

REDACTED – PUBLIC VERSION

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

**SMITH KLINE & FRENCH LABORATORIES
LIMITED and SMITHKLINE BEECHAM
CORPORATION d/b/a GLAXOSMITHKLINE,**

Plaintiffs

vs.

TEVA PHARMACEUTICALS USA, INC.

Defendant.

Civil Action No. 05-197 (GMS)

FILED UNDER SEAL

**DECLARATION OF KAREN E. KELLER
IN SUPPORT OF TEVA’S MOTION *IN LIMINE* NO. 1
TO EXCLUDE EVIDENCE AND TESTIMONY ON COMMERCIAL SUCCESS**

I, Karen E. Keller, declare as follows:

I am admitted to this Court and am an associate with the law firm of Young Conaway Stargatt & Taylor, LLP, counsel of record for Defendant Teva Pharmaceuticals USA, Inc. in this action.

1. Attached hereto as Exhibit A is a true and correct copy of excerpts of plaintiff GlaxoSmithKline’s (“GSK”) June 29, 2006 Second Supplemental Responses to Teva’s First Set of Interrogatories.

2. Attached hereto as Exhibit B is a true and correct copy of excerpts of GSK’s October 3, 2005 Response to Teva’s First Request for Production of Documents.

3. Attached hereto as Exhibit C is a true and correct copy of GSK’s April 27, 2006 Objections to Teva’s Second Request for Production of Documents.

4. Attached hereto as Exhibit D is a true and correct copy of excerpts of GSK's May 2, 2006 Objections to Teva's Rule 30(b)(6) Notice of Deposition.

5. Attached hereto as Exhibit E is a true and correct copy of excerpts of the June 29, 2006 Rule 30(b)(6) deposition of Kevin Reeves.

6. Attached hereto as Exhibit F is a true and correct copy of excerpts of the September 22, 2006 Expert Report of Christopher Vellturo, Ph.D.

7. Attached hereto as Exhibit G is a true and correct copy of *Chamberlin v. City of Albuquerque*, 2005 WL 2313515 (D.N.M. July 31, 2005).

I declare under penalty of perjury that the foregoing is true and correct. Executed in Wilmington, DE.

Dated: October 23, 2006

Respectfully submitted,

/s/ Karen E. Keller
Karen E. Keller

CERTIFICATE OF SERVICE

I, Karen E. Keller, Esquire, hereby certify that on October 30, 2006, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

Patricia Smink Rogowski, Esquire
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Wilmington, DE 19801

I further certify that on October 30, 2006, I caused a copy of the foregoing document to be served by hand delivery on the above-listed counsel of record and the following non-registered participant in the manner indicated:

BY E-MAIL ON OCTOBER 30, 2006 AND
BY FEDERAL EXPRESS ON OCTOBER 31, 2006

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